

October 2, 2001

Magalie Roman Salas
Secretary,
Federal Communications Commission
TW-A325
44512th Street., SW
Washington, DC 20554



Re: MM Docket No. 98-203
Notice of *Ex Parte* Presentation

Dear Ms. Salas:

On October 1, 2001, Andrew Jay Schwartzman and Harold Feld of the Media Access Project met with Susanna Zwerling, Legal Adviser to Commissioner Copps, to discuss the above captioned docket.

Mr. Schwartzman and Mr. Feld reiterated their clients' position that the plain language of Section 399B prohibits commercial advertising on any non-commercial licensed spectrum, including advertiser-supported ancillary and supplementary services. Mr. Schwartzman further stated that, as a policy matter, permitting public broadcasters to engage in practices virtually identical to those of private broadcasters runs counter to the purpose of the non-commercial set-aside. In particular, in light of the large number of diverse programmers seeking air-time (as demonstrated in part by the number of programmers who sought time on the public interest set aside when that became available in DBS), allowing public broadcasters to divert valuable spectrum to profit-making ventures is counter to the public interest. Finally, Mr. Schwartzman made the point that permitting public broadcasters to engage in such profit making ventures would antagonize the public, members of Congress, and commercial broadcasters, which would resent such activities on the part of publicly-funded stations.

In accordance with Section 1.1206(b), 47 C.F.R. § 1.1206, this letter is being filed electronically with your office today.

Sincerely,

Andrew Jay Schwartzman
Counsel for UCC, *et al.*

cc: Susanna Zwerling